

From: [James Costello](#)
To: [Lance Nixon](#); [Lydia Johnson](#)
Cc: [John Martin](#); [Mark Peycke@EPA](#)
Subject: Fw: Reminder: payment is due 9/5
Date: 09/04/2012 03:24 PM
Attachments: [Wire Confirmation 090412.docx](#)

The Bankruptcy settlement limited payments to \$850,000 per year. Here is confirmation of Johns Manville's first payment.

----- Forwarded by James Costello/R6/USEPA/US on 09/04/2012 03:20 PM -----

From: "Tracy, Brent" <Brent.Tracy@jm.com>
To: James Costello/R6/USEPA/US@EPA, "Long, Kenneth (ENRD) (Kenneth.Long@usdoj.gov)" <Kenneth.Long@usdoj.gov>
Cc: "ekenney@sidley.com" <ekenney@sidley.com>
Date: 09/04/2012 02:42 PM
Subject: RE: Reminder: payment is due 9/5

This e-mail is providing notice, pursuant to paragraph 2(d) of the Westbank Settlement Agreement, that JM made our initial payment of \$850,000 via wire transfer today. A copy of the confirmation is attached. We will provide separate, written notice to the Region 6 Section Chief as required. While the transfer did include the requisite information, our Treasury Department mistakenly included the Region 5 address, which was likely a carry-over from an oversight payment recently made on our Waukegan, IL Superfund Site. I apologize if that causes any confusion on your end. Jim, is there a way you can confirm this was properly accounted for on your end?

Brent Tracy
Associate General Counsel
Environmental, Health & Safety
Johns Manville
717 17th Street
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From: James Costello [<mailto:Costello.James@epamail.epa.gov>]
Sent: Friday, August 31, 2012 1:33 PM
To: Tracy, Brent
Cc: ekenney@sidley.com
Subject: Reminder: payment is due 9/5

Brent,

Just a friendly reminder that payment is due on 9/5/12.

Regards,

Jim

-----Forwarded by James Costello/R6/USEPA/US on 08/31/2012 02:29PM -----

To: "Tracy, Brent" <Brent.Tracy@jm.com>
From: "Long, Kenneth (ENRD)" <Kenneth.Long@usdoj.gov>
Date: 08/17/2012 11:42AM
Cc: "Kenney, Edward P." <ekenney@Sidley.com>, James Costello/R6/USEPA/US@EPA
Subject: RE: Johns Manville: Westbank Asbestos Superfund Site Settlement Agreement

(See attached file: ENV_ENFORCEMENT-#2261396-v1-JM_Scanned_FinalSettlementAgreement_ALLPAGES_ATTACHMENTA_8_17_12.PDF)

I am trying again. Attached is the final Settlement Agreement with Attachment A included. I again had trouble with the scanning equipment - I had to run it through a few times because it was skipping pages, and page 2 is a little off center. Nevertheless, this should include all pages of the Agreement and Attachment A. Please let me know if you want a hard copy in the mail. Thank you.
Ken

-----Original Message-----

From: Tracy, Brent [mailto:Brent.Tracy@jm.com]
Sent: Friday, August 17, 2012 12:10 PM
To: Long, Kenneth (ENRD)
Cc: Kenney, Edward P.
Subject: Re: Johns Manville: Westbank Asbestos Superfund Site Settlement Agreement

Ken:

We got the agreement that you e-mailed, but that one was missing two pages of the text. For our records, I've added the two pages and the map. Were you sending a hard copy also or were you just referencing the electronic copy in your e-mail?

Sent from my iPad

On Aug 17, 2012, at 9:56 AM, "Long, Kenneth (ENRD)" <Kenneth.Long@usdoj.gov> wrote:

> Hi Brent and Ed. Please confirm receipt of the signed Settlement Agreement. Thanks. Ken
> From: Long, Kenneth (ENRD)
> Sent: Tuesday, August 07, 2012 2:48 PM
> To: 'Tracy, Brent'; Kenney, Edward P.
> Cc: Mark Peycke; Davis, Buffy (ENRD); Davis, Joe (ENRD); 'James Costello'; 'Nixon.Lance@epamail.epa.gov'; Douglas, Nathaniel (ENRD)
> Subject: Johns Manville: Westbank Asbestos Superfund Site

Settlement Agreement

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> Hello Ed and Brent. I am happy to provide to you the signed final Settlement Agreement that resolves the claims in this matter. The document is effective upon the last signature which I provided yesterday, so the first payment will be due in 29 days in accordance with the instructions in paragraphs 2 and 4. I am glad we were able to bring this to a satisfactory resolution. I enjoyed working with you both. Sincerely, Ken

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> Kenneth G. Long
> Senior Attorney
> Environmental Enforcement Section
> U.S. Department of Justice
> P.O. Box 7611
> Washington, D.C. 20044-7611
> 202-514-2840
> 202-616-6584 (fax)

>

> Express Mail Deliveries:
> ENRD Mailroom, Room 2121
> 601 D Street, NW
> Washington, DC 20004

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> <ENV_ENFORCEMENT-#2256257-v1-



JM_FINALSIGNEDSETTLEMENTAGREEMENT_08_07_2012.PDF> Wire Confirmation 090412.docx